

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RIVER RUN CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

AMERICAN ALTERNATIVE
INSURANCE CORPORATION, a
foreign corporation,

Defendant.

Civil Action File No.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant American Alternative Insurance Corporation (“AAIC”) removes the above-captioned lawsuit from the Superior Court of Gwinnett County, Georgia, Civil Action No. 23-A-01728-10, in which it is currently pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal of this case, AAIC states as follows:

1. On March 29, 2023, Plaintiff River Run Condominium Association, Inc. (“River Run”) filed the above-captioned lawsuit in the Superior Court of

Gwinnett County, Georgia.

2. On March 9, 2023, AAIC was served with a copy of the Complaint. Service upon AAIC was the first time AAIC was made aware of this lawsuit.

3. On March 28, 2023, River Run filed its First Amended Complaint.

4. On March 29, 2023, River Run filed its Second Amended Complaint.

5. Thus, this Notice of Removal is filed in a timely and proper manner pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days of service of this lawsuit upon AAIC on March 9, 2023.

6. This civil action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. This is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is an action between citizens of different states.

7. All pleadings in the Gwinnett County Superior Court action are attached hereto as **Exhibit “A”**.

8. River Run is and was at the time of the filing of this lawsuit a domestic nonprofit corporation formed under the laws of the State of Georgia with its principal place of business in the State of Georgia.

9. AAIC is and was at the time of the filing of this lawsuit a corporation

under the laws of the State of Delaware with its principal place of business in the State of New Jersey.

10. Accordingly, there is complete diversity of citizenship between River Run, on the one hand, and AAIC, on the other.

11. In the instant litigation, River Run seeks damages for AAIC's failure to pay a claim under Policy No. CAU512133-3 (the "Policy") arising from an alleged hail event occurring on or about April 24, 2021.

12. River Run asserts that on September 6, 2022, River Run, through counsel, made a demand to AAIC in the amount of \$422,525.39 less previous payments, depreciation, and the applicable deductible for the alleged property damage caused by an alleged April 24, 2021 hail event (the "Demand"). (*Id.* at ¶ 17.)

13. River Run asserts a breach of contract claim against AAIC based on the Policy and AAIC's alleged failure to pay the full amount of the Demand. (*Id.* at ¶¶ 23-31.)

14. River Run also asserts a bad faith claim under O.C.G.A. § 33-4-6, which if successful could potentially allow River Run to recover not only what it claims is covered under the Policy, but also an additional amount of up to 50% of the alleged covered loss, plus reasonable attorney's fees incurred in bringing this

case (*Id.* at ¶¶ 32-40.)

15. Thus, in light of River Run's \$422,525.39 demand and River Run's claims for breach of contract and bad faith, the amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs.

16. A copy of the Notice of Removal was filed with the Superior Court of Gwinnett County and was served upon River Run.

17. The United States District Court for the Northern District of Georgia, Atlanta Division, is the federal judicial district encompassing the Superior Court of Gwinnett County, Georgia, where River Run originally filed this suit such that this is the proper federal district for removal of this case to federal court under 28 U.S.C. § 1441(a) and § 90(a)(2).

18. AAIC does not waive any jurisdictional or other defenses that might be available.

19. AAIC reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, AAIC removes this action from the Superior Court of Gwinnett County to this Court.

Respectfully submitted this 7th day of April, 2023.

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